UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,977	01/17/2002	Maria Lucia Garcia	10008244-1	1576

7590 08/25/2004

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER	
KUMAR, SRILAKSHMI K	
ART UNIT	**PAPER NUMBER**
2675	

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/051,977	GARCIA, MARIA LUCIA	
	Examiner	Art Unit	
	Srilakshmi K. Kumar	2675	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The following office action is in response to Amendment B, filed April 22, 2004. Claims 1, 13 and 16 have been amended.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Autry et al (US 5,724,106) in view of Olsen et al (US 6,137,479).

As to independent claims 1 and 13, Autry et al disclose an enhanced pointing device (Figs. 9a-c) comprising; a pointing device operable to be communicatively coupled to a computer device (Fig. 1, item 124), each activator located on the pointing device in relation to an expected frequency of use; Although Autry et al and Olsen et al do not disclose where the activators are located in certain areas with respect to frequency of use, it would have been obvious to one of ordinary skill in the art that the placement of the plurality of activators are determined by usefulness. To one skilled in the art, Autry et al would not place the trackball in a location, which is not useful to the user such as the underside of the controller. Thus as shown, Autry et al disclose where the activators are located on the controller in relation to an expected frequency of use.

wherein said pointing device includes; a number of control activators (Figs 9a-c, items shown are different buttons for operating different devices such as the computer, television,

VCR, telephone, etc.), wherein manipulation of said at least one control activator results in a generation and transmission of at least one control signal to at least one electronic device (col. 11, lines 52-60, wherein operating a telephone), wherein said at least one control signal influences the operation of said at least one electronic device, and wherein the influence on the operation does not include enabling a user to interact with a graphical user interface being provided at least in part via said computer device, if said computer device is included in said at least one electronic device (Autry et al disclose where the remote is used to control a telephone in col. 11, lines 52-60 and col. 15, lines 37-46). Autry et al do not disclose wherein the influence on operation can include enabling a user to interact with at least one electronic device not coupled to the computer device.

In a similar field of endeavor, Olsen et al disclose a wireless, programmable, computer pointing device including a keypad for use with a remote computer as well as other peripherals. Olsen et al disclose in col. 4, lines 64-67 where the computer mouse can be programmed to perform other functions such as controlling auxiliary devices such as a television or a garage door opener. It would have been obvious to one of ordinary skill in the art to incorporate the programmable embodiment of the Olsen et al pointing device into that of the Autry et al as the programmable feature of Olsen is advantageous as it has increased functionality and capabilities.

As to independent claim 16, limitations of claims 1 and 13, and further comprising, Autry et al disclose an enhanced pointing device (Figs. 9a-c) comprising; an input device that is operable to be communicatively coupled to a computer device (Figs. 9a-c and Fig. 10), said input device enabling a user to interact with an application graphically interfacing with a user (col. 11, lines 24-41), at least in part, via said computer device, said input device including; at least one

control activator, wherein manipulation of said at least one control activator results in generation and transmission of at least one control signal to at least one electronic device (col. 12, lines 1-46), wherein at least one control signal influences the operation of said at least one electronic device (col. 12, lines 1-46, operation of the television or VCR), wherein the influence on operation includes at least one of said at least one electronic device being turned on or off (col. 12, lines 1-2), and wherein the influence on operation does not include interacting with said application (col. 12, lines 1-2, turning on and off). Autry et al do not disclose wherein the influence on operation can include enabling a user to interact with at least one electronic device not coupled to the computer device.

In a similar field of endeavor, Olsen et al disclose a wireless, programmable, computer pointing device including a keypad for use with a remote computer as well as other peripherals. Olsen et al disclose in col. 4, lines 64-67 where the computer mouse can be programmed to perform other functions such as controlling auxiliary devices such as a television or a garage door opener. It would have been obvious to one of ordinary skill in the art to incorporate the programmable embodiment of the Olsen et al pointing device into that of the Autry et al as the programmable feature of Olsen is advantageous as it has increased functionality and capabilities.

As to dependent claim 2, limitations of claim 1, and further comprising, wherein manipulation of each of said at least one control activator influences the operation of a different device of said at least one electronic device (Fig. 1, item 168, the CD jukebox).

As to dependent claim 3, limitations of claim 1, and further comprising, wherein manipulation of a plurality of said at least one control activator influences the operation of a particular device of said at least one electronic device, and wherein manipulation of each control

activator of said plurality influences a different operational aspect of said particular device (shown in Fig. 1, remote control can control several different electronic devices).

As to dependent claim 4, limitations of claim 1, and further comprising, wherein the influence on operation includes at least one of said at least on electronic device on or off, (Fig. 9a, item 912, col. 12, lines 1-2, discloses a power switch for turning on and off).

As to dependent claim 5, limitations of claim 1, and further comprising, wherein at least on of said at least one control activator is operable to influence the operation of at least one of said at least one electronic device in more than one manner (the device shown in Fig. 9 is able to control the devices shown in Fig. 1, such as changing TV channels, increasing volume, col. 12, lines 1-20).

As to dependent claim 6, limitations of claim 5, and further comprising, wherein said at least one of said at least one control activator is operable to turn said at least one of said at least one electronic device on or off, as well as to adjust the volume of audio provided by said at least one of said at least one electronic device (the device shown in Fig. 9 is able to control the devices shown in Fig. 1, such as changing TV channels, increasing volume, col. 12, lines 1-20).

As to dependent claim 7, limitations of claim 1, and further comprising, wherein said pointing device is part of a mouse (Fig. 9a-c, shows mouse track ball, item 910).

As to dependent claim 8, limitations of claim 1, and further comprising, wherein said at least one electronic device includes said computer device (Fig. 1).

As to dependent claim 9, limitations of claim 1, and further comprising, wherein said at least one electronic device includes a telephone, and wherein the influences of operation includes answering said telephone (col. 11, lines 52-61).

As to dependent claim 10, limitations of claim 1, and further comprising, wherein said at least one electronic device includes a copy machine. Although Autry et al do not disclose a copy machine, it would have been obvious to one of ordinary skill in the art that a copy machine could have been added to the home entertainment center as it would have been advantageous for copying pictures or documents.

As to dependent claim 11, limitations of claim 1, and further comprising, wherein said at least one electronic device includes a printer. Although Autry et al do not disclose a printer, it would have been obvious to one of ordinary skill in the art that a printer could have been added as a personal computer is already shown and would have been advantageous in order for the user to print documents from the computer.

As to dependent claim 12, limitations of claim 1, and further comprising, wherein at least one of said at least one control activator is situated at a location on said pointing device whereby the chance of accidental manipulation of said at least one of said at least one control activator is reduced (col. 11, lines 42-46).

As to dependent claim 14, limitations of claim 13, and further comprising, wherein further including converting said at least one control signal into a format compatible with at least one of said at least one electronic device (col. 12, lines 40-46, wherein the keyboard embodiment of the device is shown, there are power buttons and channels and volume controls which communication with the TV/VCR).

As to dependent claim 15, limitations of claim 13, and further comprising, wherein the influence on operation includes turning at least one of said at least one electronic device on or off

(col. 12, lines 40-46, wherein the keyboard embodiment of the device is shown, there are power buttons and channels and volume controls which communication with the TV/VCR).

As to dependent claim 17, limitations of claim 16, and further comprising, wherein at least one of said at least one electronic device is said computer device (Fig. 1).

As to dependent claim 18, limitations of claim 17, and further comprising, wherein said input device is in part a pointing device (Figs. 9a-c, disclose a mouse track ball, item 910).

As to dependent claim 19, limitations of claim 1, wherein said input device is in part a keyboard (Fig. 10).

As to dependent claim 20, limitations of claim 17, and further comprising, wherein at least on of said at least one control activator is operable to influence the operation of at least one of said at least one electronic device in more than one manner (the device shown in Fig. 9 is able to control the devices shown in Fig. 1, such as changing TV channels, increasing volume, col. 12, lines 1-20).

Response to Arguments

3. Applicant's arguments filed April 22, 2004 have been fully considered but they are not persuasive.

With respect to applicant's arguments in regard to the amended limitation of where a number of control activators, where each activator located on the pointing device in relation to an expected frequency of use. Although Autry et al and Olsen et al do not disclose where the activators are located in certain areas with respect to frequency of use, it would have been obvious to one of ordinary skill in the art that the placement of the plurality of activators are determined by usefulness. To one skilled in the art, Autry et al would not place the trackball in a

location, which is not useful to the user such as the underside of the controller. Thus as shown, Autry et al disclose where the activators are located on the controller in relation to an expected frequency of use.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srilakshmi K. Kumar whose telephone number is 703 306 5575. The examiner can normally be reached on 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, xxxx xxxx can be reached on xxx xxx xxxx. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305 4700.

Srilakshmi K. Kumar
Examiner
Art Unit 2675

SKK
August 20, 2004

DENNIS-DOON CHOW
PRIMARY EXAMINER